CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

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ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND TWENTY-THIRD MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 29 July 1969, at 10.30 a.m.

Chairman: Mr. N. ECOBESCO (Romania)

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PRESENT AT THE TABLE

Brazil:	Mr. S.A. FRAZAO
	Mr. P. CABRAL de MELLO
	Mr. L.F. PALMEIRA LAMPREIA
Bulgaria:	Mr. K. CHRISTOV
	Mr. M. KARASSIMEONOV
	Mr. I. PEINIRDJIEV
Burma:	U CHIT MYAING
	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. R.W. CLARK
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. T. LAHODA
	Mr. J. STRUCKA
	Mr. J. CINGROS
Ethiopia:	Mr. A. ZELLEKE
India:	Mr. M.A. HUSAIN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
	Mr. F. LUCIOLI OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA
Japan:	Mr. K. ASAKAI
	Mr. Y. NAKAYAMA
	Mr. M. OGISO
	Mr. T. SENGOKU
Mexico:	Mr. J. CASTANEDA
	Miss E. AGUIRRE
	Mr. R. VALERO

Mongolia:	Mr. J. BANZAR
	Mr. Z. ERENDOO
Nigeria:	Alhaji SULE KOLO
	Mr. C.O. HOLLIST
	Mr. L.A. MALIKI
Poland:	Mr. A. CZARKOWSKI
	Mr. A. SKOWRONSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
Romania:	Mr. N. ECOBESCO
	Mr. O. IONESCO
	Mr. C. GEORGESCO
	Mr. A. SASU
Sweden:	Mrs. A. MYRDAL
	Mr. A. EDELSTAM
	Mr. R. BOMAN
	Mr. S. ERICSON
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. R.M. TIMERBAEV
	Mr. V.V. SHOUSTOV
	Mr. V.B. TOULINOV
United Arab Republic:	Mr. O. SIRRY
	Mr. E.S. El REEDY
	Mr. M. ISMAIL
United Kingdom:	Mr. W.N. HILLIER-FRY
	Mr. R.A. RIDDELL

United States of America:	Mr. J.F. LEONARD
	Mr. A.F. NEIDLE
	Mr. W. GIVAN
	Mr. R. McCORMACK
Special Representative of the Secretary-General:	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Romania) (translation from French): I declare open the 423rd plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.

2. The week which has just ended was marked by an event of exceptional significance in the history of universal knowledge -- the successful accomplishment of man's first mission on the moon. At the beginning of that great adventure, as well as at the moment when the first human beings stepped on to lunar soil, the thoughts of our Committee accompanied the crew of Apollo 11 during their journey, thus showing its profound feelings of admiration, sympathy and genuine pride in the face of this unequalled exploit. Now that Neil Armstrong, Edwin Aldrin and Michael Collins have returned safely, I am convinced that all the members of the Committee will agree with me that we should ask the United States delegation to transmit to the Government of the United States, the three astronauts, the scientists, the technicians, the workers, and the whole American people our heartiest and warmest congratulations.

3. The landing on the moon, the take-off of the Apollo 11 cabin and its return to earth represent a great victory of science, a brilliant expression of human genius, a "small step for a man, one giant leap for mankind". May this great break-through into the universe give fresh impetus to our common search for viable solutions to the great problems of the earth, so as to create a world of peace, progress and prosperity, a world at the service of man and of the free development of all peoples and of all nations!

4. Mr. LAHODA (Czechoslovakia): I should like first of all to touch in a few words upon the historic event which we were happy to witness, at least on the screens of our television sets. With a feeling of suspense we followed the landing of the first human beings on the surface of the moon, experiencing with them hours of presence on that celestial body and keeping our fingers crossed for them to return safely to our old, troubled earth where there is yet so much to be done towards prosperity and a better life for mankind. On behalf of the people of a country where the stars have been conquered so far only in the verses of poets and the longings of lovers, I want to express genuine admiration for and sincere congratulations to the American astronauts who, bravely and at the risk of their lives, have undertaken the fabulous journey to the moon and have been successful.

(Mr. Lahoda, Czechoslovakia)

5. Their deed, which is a further significant milestone on man's way into outer space, belongs to all mankind, and all in future should benefit by it, either in the search for new worlds in the interstellar infinity or in the fields of atmospheric research, meteorology or communications. That was borne out by the recent television transmission which enabled millions of the inhabitants of our planet to follow the landing of Neil Armstrong and Edwin Aldrin on the moon at a distance of hundreds of thousands of kilometres.

6. In speaking for the first time during this session I desire, before going into the substance of my statement today, to welcome to our midst the representative of the People's Republic of Mongolia, Mr. Dugersuren, who is well known to us from his activity as permanent representative of his country to the United Nations in New York, where I had the pleasure of working with him in the First Committee at last year's session of the General Assembly. I should like also to welcome among us the leader of the Japanese delegation, Mr. Asakai. I am convinced that the participation of these two delegations in our deliberations will represent a significant contribution to the endeavour to reach tangible results in our activities as soon as possible. I wish to assure both of them that they will always find a readiness on the part of the Czechoslovak delegation for mutual co-operation that should benefit our common cause, the adoption of effective measures for disarmament.

7. Certain prerequisites for this mild optimism are provided not only by the favourable working atmosphere created by all delegations but, particularly, by the existence of the concrete proposals, working papers and suggestions with which we have been acquainted in the course of this session. I have in mind not only the texts of draft treaties submitted -- whether they concern the sea-bed or chemical and bacteriological weapons or the ban on underground nuclear tests -- but also the statements of individual delegations containing a great deal of initiative, suggestions and stimulating ideas, an example of which we had at our last meeting in the address of the Swedish representative, Mrs. Myrdal, which the Czechoslovak delegation is now carefully studying.

(Mr. Lahoda, Czechoslovakia)

I am sure that the contribution of other delegations in the course of our session will be equally inspiring. Those facts in themselves are undoubtedly an expression of activity and a proof that our Committee is approaching its tasks with responsibility and carefully considering all possibilities in order to be able to fulfil earnestly the goals set by our comprehensive and long-term agenda.

8. Thanks to the aforementioned documents we are now, for instance, able to consider in a matter-of-fact way and in detail the individual aspects of the possible exclusion from the arms race of so vast and strategically important an area as the entire sea-bed and the ocean floor, thus applying the recognized desire for general and complete disarmament to a much larger part of the earth's surface than is represented by the remaining area of all the five continents.

9. We have now the choice of the two concepts at our disposal in the form of the Soviet and United States draft treaties (ENDC/240, 249) prohibiting the emplacement of military installations on the sea-bed, the former applying to all weapons and the latter only to nuclear and other weapons of mass destruction. It is our duty to find a solution that would be in keeping with the intended purpose and would bring us into the closest proximity to the envisaged goal.

10. The Czechoslovak delegation starts in principle from the conviction that our task is the complete demilitarization of the sea-bed and the exclusion of any military competition from that area which would thus be added to similar areas excluded from the competence of military headquarters -- areas like Antarctica and like outer space, where a week ago people from the earth placed upon the moon a plaque with the inscription: "We came in peace for all mankind".

11. We believe that, with good will and readiness to reach agreement on both the extent and the content of an acceptable ban, it is possible to elaborate a joint document common to us all, in spite of the existing differences in the two draft treaties which result from different conceptions of a solution of this question and cannot therefore be removed mechanically by a combination of the individual differing provisions. Also, the question of the width of the maritime zone from the agreed limits of which the areas covered by the treaty should extend -- a question on which the various views have not yet been brought together -- should not be allowed to thwart our endeavour to find a suitable approach corresponding to the needs and the purpose of the treaty.

(Mr. Lahoda, Czechoslovakia)

12. At the same time it seems to us that, for very practical reasons, it would be advisable to respect the facts which the treaty could not and would not be intended to change. It should clearly comprise demilitarization or denuclearization of the sea-bed and the ocean floor to the agreed extent, and not denuclearization of territorial waters -- that is, of component parts of sovereign territories of the nuclear Powers, as would be the case if the treaty did not respect the inviolability of territorial waters. Would we not be complicating even more a problem which is already complex enough, particularly regarding verification, and placing obstacles for ourselves on the way towards its early solution?

13. It appears relevant in this connexion to state that from the point of view of the deterrent theory, only a ban on both nuclear and conventional weapons on the sea-bed and the ocean floor could be regarded as guaranteeing equal security for everybody and preserving the balance of power, which is a factor that plays such a powerful role in all considerations of any disarmament measures and constitutes the basis for one of the main principles in disarmament negotiations. It may suffice to point out the well-known fact that in a different connexion the so-called deterrent in the form of nuclear weapons was presented by its protagonists as the only possible counterweight to the alleged superiority of the other side in conventional weapons.

14. The question arises why, in the case of mere denuclearization of the sea-bed, a similar argument could not be applied by one of the sea Powers which considered its partner, or adversary, to be more firmly established on the sea-bed and better equipped than itself with conventional weapons in that environment. Would not an eventual partial solution prohibiting only nuclear weapons invite a reproach in regard to the balance of power rather than praise for adhering to the principle?

15. Concerning the question of verification in which all States could effectively participate, the course of our discussion has made it apparent with increasing clarity that it is far more complex and difficult, if not practically impossible, with a partial ban on only one type of weapons -- and that an exceptional one into the bargain — than with a comprehensive ban envisaging an adequate comprehensive verification.

(Mr. Lahoda, Czechoslovakia)

16. If we are constantly aware of the final effect which should crown our activity this year, and which should also find eloquent expression in the report of our Committee to the autumn session of the United Nations General Assembly, then it is necessary to push through the adoption of such formulations in the drafts discussed as would express the requirements to be fulfilled by the individual measures and solve those problems which they are supposed to solve.

17. That, in our opinion, does not apply only to the question of the sea-bed and the ocean floor, where both the need and the conditions exist for an over-all demilitarization, as suggested by the Soviet Government in its document of 18 March, which the Czechoslovak delegation supports for reasons explained by it already during the spring session (ENDC/PV.412); it applies also to other issues on our agenda around which a lively discussion has been developing.

18. I have in mind -- apart from measures concerning nuclear disarmament, which have a justified priority in our deliberations -- the problem of chemical and bacteriological warfare. Convincing proofs have been advanced here, in more than sufficient number, that these terrible weapons of mass destruction constitute an entity, whether we consider them from the point of view of significant international documents, including the Geneva Protocol of 1925, and the standpoint of the United Nations Secretary-General, U Thant (A/7575), or from the point of view of their common properties and similar characteristics. The Czechoslovak delegation fully identifies itself with that conclusive evidence that speaks clearly against separating bacteriological (biological) weapons from chemical ones.

19. Even separation based on the effects of the two kinds of weapons, as compared on the basis of the quantity used and the area affected, should not be decisive for our purposes. The fact that a certain quantity of a chemical agent will produce a lethal effect in an area many times smaller than that affected by the same quantity of a bacteriological or biological agent may appear rather insignificant to us when we realize what enormous stockpiles of those agents have already been accumulated. It is

(Mr. Lahoda, Czechoslovakia)

no secret that in military stores enough lethal gas has been amassed to kill a thousand times the number of the whole of the population of the earth. As a representative of a country with an area of approximately 120,000 square kilometres, I do not see any essential difference whether the aggressor would need a larger quantity of one agent than of the other to contaminate that area, if the final effect were the same. What is decisive is that these destructive means of warfare exist -- that they are being produced, and produced in such quantities that problems arise regarding their safe storage and manipulation even prior to their actual use.

20. The justification for a combined approach to the problem of the ban on bacteriological (biological) and chemical weapons as one entity consists in the very fact that there are more commen features between those weapons than there are characteristics arguing for their separation. One of those unifying factors is, for instance, the relatively easy acquisition of both kinds of weapons, which in the present state of technological development makes them dangerous weapons for humanity -- in a certain sense more dangerous than nuclear weapons. Although the Secretary-General's report states that to create a weapon system out of chemical and bacteriological agents it is necessary to have a highly-developed technological and scientific base and huge financial resources, it says at the same time:

> "... the possibility always exists that by choosing a single agent and a simple means of delivery, a nation could equip itself relatively cheaply to attack a limited area with a reasonable chance of success." (A/7575, para. 36)

21. However, what is in our opinion most important for the joint consideration of the the two kinds of weapons is the fact that for more than forty years a combined ban on their use in war has been in existence in the Geneva Protocol of 1925 (ibid., p. 117); and that the documents of the League of Nations and the resolution of the United Nations unmistakably showed an understanding of that connexion. Also, the delegation of the United Kingdom at the Disarmament Conference of the League of Nations formerly recognized that principle when in Geneva, in its draft convention of 16 March 1933, part IV, article 47, it proposed the following:

(Mr. Lahoda, Czechoslovakia)

"The following provision is accepted as an established rule of International Law:

'The use of chemical, incendiary or bacterial weapons as against any State, whether or not a Party to the present Convention, and in any war, whatever its character, is prohibited.'" (A/AC.50/3, p. 58)

22. Also the often-quoted report by the Secretary-General on the effects of chemical and bacteriological (biological) weapons, in the elaboration of which a Czechoslovak expert, Dr. Franek, actively participated, is designed in the sense of a complex solution of this problem and highlights the danger connected with both kinds of weapons; and the recommendations of the Secretary-General in his foreword to the report are a direct appeal to all States which really desire to rid humanity of these unpredictable, abominable weapons.

23. The Czechoslovak delegation holds the opinion that we should now concentrate on the crux of the matter, which is, to apply the ban to both kinds of weapons of mass destruction, to chemical as well as bacteriological (biological) weapons, to outlaw these means of warfare to the full extent, and to confirm clearly that they have no place in the arsenals of any State, that nobody has the right to experiment with them, to produce and stockpile them, be it at home or at overseas military bases, and that they must never be used to kill and to destroy crops in time of war, not to speak of time of peace. That is how we understand U Thant's appeal. And it is in this direction that we think it necessary to apply ourselves when speaking of supporting the Geneva Protocol. The best way of supporting it would be if all States acceded to it and ratified it, if they have not yet done so. That is the reason why the Czechoslovak delegation fully agrees with the ideas expressed in the Polish working paper (ENDC/256), at the end of which are stressed the leading principles which we should have constantly in mind when discussing this question further.

24. May I conclude by mentioning one other important matter? Although our Committee is only a negotiating body, it should not, in our opinion, restrict itself to discussing merely individual issues, to judging various aspects of this or that measure, and to working out concrete proposals. That does not exhaust our task; we should also follow the implementation of our suggestions, see to it that our recommendations are brought into life, and press to have them start taking effect and not remain merely an expression of our endeavour, all the more so when we deal with documents solving only partial disarmament issues.

(Mr. Lahoda, Czechoslovakia)

25. Therefore even at this stage we should not forget the fate of the Treaty on the Non-Proliferation of Nuclear Weapons (ENDC/226*), agreed upon in our Committee and solemnly signed last year, which has not so far entered into force. The importance of that measure has been stressed many times -- its creation of preconditions for a more substantial restriction of the nuclear arms race. It should therefore start functioning without unnecessary delays, and begin to fulfil its mission in a way such as to make possible further steps towards removing the danger of nuclear war, towards the liquidation of nuclear weapons. It would be a pity if a favourable moment were missed and if an opportunity were wasted which required so much energy for its preparation and which plays a not insignificant role in the overall context of disarmament ngeotiations. The Czechoslovak delegation therefore submits for consideration the question whether our Committee should not give its standpoint on this matter in its report to the twenty-fourth session of the United Nations General Assembly, and possibly issue in that report a recommendation to the General Assembly to appeal to the States concerned to work towards the Treaty's speedy entry into force.

26. In this connexion I should like to announce that the ratification of the Treaty on the Non-proliferation of Nuclear Weapons was completed in my country and the instruments of ratification handed over to the depositaries a week ago. Thus the Czechoslovak Socialist Republic is the eighteenth State so far which has fulfilled the required formalities of ratification. There are still a number of countries that have not signed this important document yet and are expected to do so. It must be said that their hesitation does not help our cause, and that the delays in acceding to the Treaty are not in keeping with the endeavour to achieve gradually a complete ban and liquidation of all nuclear weapons.

27. Mr. CARACCIOLO (Italy) (translation from French): In speaking for the first time after the arrival of the delegations of Japan and the Mongolian People's Republic, I should like in my turn to welcome them. These simple words are not the stereotyped repetition of a ritual but reflect, I hope, the sincere feelings of my delegation.

(Mr. Caracciolo, Italy)

The participation of Japan in our work has in our eyes a quite special importance, not only because of its technological development in fields which closely concern the activities of our Committee but also because of the experience it has acquired of the benefits of an active policy of disarmament.

28. We also hope that the two co-Chairmen may soon be in a position to make to us the suggestions announced at the end of last session aimed at a more complete solution of the problem of enlarging our Committee, at the same time giving us the opportunity of expressing our views with the object of facilitating as wide as possible an approval by the General Assembly of the United Nations. In fact we consider that only such a procedure could give our enlarged Committee a sound and democratic basis.

29. I now come to the specific subject of my intervention, namely the question of the disarmament of the sea-bed and the ocean floor. The Italian delegation has already expressed its point of view on this question at the meeting of 13 May (ENDC/PV.410). I shall therefore not repeat the reasons why we believe in the importance of the problem of limiting the military use of the sea-bed and the ocean floor; but I should like to reaffirm the principle we have already expressed: namely that the denuclearization of the sea-bed must be encompassed within the broader framework of a general policy of non-proliferation of weapons and of nuclear disarmament (ibid., para. 40). While we are in complete agreement with the generally-shared opinion that it is not too early to take appropriate measures to prevent the sea-bed, outer space and the Antarctic from becoming further theatres of the nuclear arms race, we consider that the agreements we may be called upon to make on this subject are agreements on non-armament rather than specific agreements on disarmament. If we wish to be faithful to the task we have set ourselves and to that entrusted to us by the General Assembly of the United Nations, we must place these specific agreements within the broader context of our programme of work.

30. When I made my statement of 13 May, which I have already mentioned, the Soviet draft treaty (ENDC/240), which had just been submitted, had not yet been considered in detail by the competent bodies of my country, and the United States draft (ENDC/249) had not yet been presented to the Conference. It therefore seems to me necessary to reaffirm today the opinion of my delegation in the light of the two draft treaties before us and of the comments made by other delegations.

31. Once again I shall follow the usual approach by considering the problem briefly from the point of view of the scope of the prohibition, the geographical area to be covered by the prohibition, and controls -- three panels of one triptych.

(Mr. Caracciolo, Italy)

32. In regard to the scope of the prohibition, my delegation supports the definition contained in the United States delegation's draft treaty which limits it exclusively to fixed nuclear weapons or weapons of mass destruction. In fact it seems to us -- and the explanations given by the representative of the United States in his statement on 22 July (ENDC/PV.421, paras. 33 et seq.) were very clear and convincing in this respect -- that this approach to the problem is the most realistic and at the same time the clearest and most simple.

33. Concerning the area to be covered by the prohibition, in my earlier statement I expressed our preference for a mixed system which would take account of both the twelve-mile distance proposed by the Soviet delegation and a bathymetric line of 200 metres (ENDC/PV.410, paras. 45 et seq.). It is obvious that if the Committee agreed, in accordance with the United States proposal, that the scope of the prohibition should be limited to nuclear weapons and weapons of mass destruction only, the problems of security would be simplified and we could accept the proposal that the area to be covered by the prohibition should be extended to the twelve-mile limit -- a distance which seems to us necessary in order to ensure the security of the coastal States, particularly those which, like our own, are surrounded by the sea and by a very extensive continental shelf. Of course, if in a more or less near future the scope of the prohibition were broadened so as to include weapons other than nuclear weapons or weapons of mass destruction, we should be compelled to reaffirm our position in favour of the adoption of the bathymetric criterion.

34. Before finishing with this second panel of the triptych, I should like also to express my delegation's interest in the suggestion put forward by the representative of Canada in his statement on 13 May (ibid., para. 9) in favour of a defensive zone adjacent to the twelve-mile security band which would extend 200 miles or more and within which the limited defensive activities authorized within the framework of the treaty could be exercised by the coastal State or with its permission.

35. It now remains for me to speak about the delicate problem of controls. In my statement on 13 May I confessed (ibid., para. 53) that I did not understand why the need for an international control body had been felt so strongly in the case of the non-proliferation Treaty (ENDC/226*), why it had been sought so laboriously with a view to the conclusion of an agreement on underground explosions or an agreement limiting the

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production of fissile materials, while it was rejected in the case of disarmament of the sea-bed and the ocean floor. I added also that comparison with the Antarctic Treaty of 1959 1/ and the outer-space Treaty of 1967 (General Assembly resolution 2222 (XXI)(Annex)) with a view to instituting national controls founded on the principle of reciprocity did not appear to us to be truly pertinent, because, unlike the environment with which those two Treaties are concerned, the sea-bed, and above all the part covering the continental shelf, is more accessible to man and its utilization is within the reach of a greater number of States. Since then, however, we have heard with interest the explanations given to us by the representative of the United States in his latest statement, especially when he referred to international co-operation and the possibility of the review conference provided for in article III of the United States draft defining and establishing more precise procedures within an international framework (ENDC/PV.421, paras. 38 et seq.).

36. For our part we still believe that, in regard to control, a minimum of internationalization must be recognized upon the entry into force of the treaty and without waiting for the review conference, the main object of which, as its name indicates, is to review rather than to institute. Moreover, it does not seem to us too difficult to imagine a simple and not necessarily costly international procedure which would channel a request for verification coming from any State, and by virtue of which the technically more developed States would accept the obligation of giving it necessary assistance. Nor do we see any difficulty in finding some body to supervise the operation of such a system and to screen requests for assistance.

37. Those are the essential views of my delegation on this question; and whereas today I have confined myself to putting forward some general ideas, I reserve the right to return to the matter later in order to explain our position more precisely.

38. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): Permit me first of all to associate myself with the congratulations expressed by you, Mr. Chairman, and by other participants in the Conference to the United States delegation in connexion with the successful completion of the remarkable flight of the spacecraft Apollo 11. We believe that the success achieved by man in outer space should be for States, and for us in the Committee, a new stimulus to solution of those great and important problems which face mankind on earth.

1/ United Nations Treaty Series, Vol. 402, pp. 71 et seq.

(Mr. Roshchin, USSR)

39. Among the questions under active consideration for some time past in our Committee that of the prohibition of the use for military purposes of the sea-bed and the ocean floor and the subsoil thereof occupies an important place. During recent meetings of the Committee in its present session, including today's meeting, we have heard a number of statements on this question which are of great interest and deserve to be studied by us. The attention given to this problem reflects the manifested wide understanding both of the need to prevent the unleashing of an arms race on the sea-bed and the ocean floor, and of the role which the elaboration and signing of an appropriate agreement could play in further progress in the cause of disarmament. This understanding is a positive factor showing that we have realistic possibilities of working out mutually-acceptable solutions of the problem of prohibiting the use for military purposes of the sea-bed and the ocean floor.

40. As many delegations have quite rightly pointed out, the most important aspects of this problem are the scope of the prohibition, the area to be covered by a future treaty, and the control over the observance of its provisions. It is precisely towards the solution of these questions that the Committee should direct its efforts. If we succeed in the Committee in concording the positions on these questions, it will be much easier to settle other problems connected with the prohibition of the military use of the sea-bed and the ocean floor and touched upon in the statements of a number of delegations, such as for instance the wording of the provisions of the preamble, the final clauses of the treaty and so on.

41. During the spring session the Soviet delegation explained the USSR position on the basic aspects of the problem under consideration (ENDC/PV.400, 409, 415). Today we should like to make some additional comments and put forward a number of considerations in connexion with the statements made by several delegations in the Committee.

42. The most important part of the problem under consideration is the question of the scope of the prohibition of military activities on the sea-bed. On this question two basic positions, as formulated in the Soviet and United States draft treaties respectively (ENDC/240, 249), have been put forward in the Committee. In considering the question of the scope of the prohibition of the military use of the sea-bed, we should be guided by the aim set before our Committee in this field, namely to prevent the unleashing of an arms race on the sea-bed and the ocean floor. The Soviet draft provides for the complete demilitarization of the sea-bed and ensures to the greatest

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extent the fulfilment of this task. It is aimed at completely averting and stopping an arms race and closing the way to military rivalry between States on the sea-bed.

43. On the contrary, the United States draft, as is well known, is limited to prohibiting the emplacement on the sea-bed of weapons of mass destruction and of certain means of their delivery, namely, launching platforms. In his statement on 22 July the representative of the United States, Mr. Leonard, arguing the American thesis of the impossibility of the complete demilitarization of the sea-bed, said:

> "... some non-nuclear but very clearly military uses of the sea-bed are strictly defensive, are presently essential to our security and that of others and therefore must not be subject to treaty prohibitions". (ENDC/PV.421, para. 36).

44. If we take the path of excluding from the prohibition certain categories of weapons, then in this specific field the same vicious circle may be created which has characterized the whole history of the arms race. Experience has shown that the emergence of new means of warfare and their development by one side induces the other side to improve the weapons which it possesses and to develop such types of these weapons as would reduce or altogether neutralize the effectiveness of the weapons of the other side. Exceptions from the prohibition could lead to the result that States would continue to engage in an arms race on the sea-bed.

45. In support of the thesis of the need to prohibit the emplacement on the sea-bed of weapons of mass destruction only, the representative of the United States asserted that

> "... realistic possibilities do not now and will not soon exist for conventional military uses of the sea-bed that would be threatening to the territories of States". (ibid., para. 35).

One can hardly agree with such an assertion. First of all, we do not see any grounds for limiting the problem of prohibiting military activities on the sea-bed to the prohibition of the emplacement on the sea-bed and the ocean floor only of such weapons as could be used for striking against the territories of States. We believe that weapons which may be designed to strike at ships and to disrupt sea communications with a view to interrupting economic and trade relations between States represent no less a danger to peace and world security. We must consider the question of prohibiting the emplacement of both nuclear and conventional weapons on the sea-bed in its entirety without trying to introduce any artificial limitations.

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46. As to the possibilities of the development of a conventional arms race on the sea-bed, they may prove in practice no less realistic than the use of this sphere for the emplacement of nuclear weapons. As far back as the Second World War wide use was made of ground mines, surfacing mines (without contact) and later also of torpedo mines which, when a ship passed over them, would surface and overtake the ship. With the present rates of development of science and technology one cannot rule out the possibility of the emergence of new types of conventional weapons which could be used to strike from the sea-bed both at ships and at the territories of States. The United States representative himself in his statement on 22 July admitted the possibility of a rapid development of military technology for use on the sea-bed and the ocean floor. He said:

> "Military and technical possibilities which now may seem remote could rather abruptly become imminent and accordingly much more difficult to control." (ibid., para. 53).

47. Thus it is impossible to agree with the argument that "realistic possibilities" do not now and will not soon exist for conventional military uses of the sea-bed. Objective data point to the contrary: namely that there exists in this direction the definite possibility of an arms race. Many delegations have rightly stressed that it would be insufficient to prohibit the emplacement on the sea-bed of weapons of mass destruction only. The comprehensive ban proposed by the Soviet Union guarantees to the greatest extent the turning of the sea-bed into a sphere for the exclusively peaceful activities of man and the prevention of the development of an arms race there.

48. A question relating to prohibition of the military use of the sea-bed is that of establishing a form of control over the observance by States of their obligations under the treaty. The Soviet side believes that the main criterion by which we should be guided in elaborating appropriate control provisions must be that the control should be effective and should correspond to the purposes of the treaty. That is the basis for our belief that control should include the right of access to installations and structures on the sea-bed and the ocean floor for all States parties to the treaty without any discrimination. Such a form of control would provide assurance of the fulfilment of the treaty by the parties to it.

(Mr. Roshchin, USSR)

49. On the question of control, the United States has suggested that we should limit ourselves to securing for the parties to the treaty, only the right to observe the activities of States on the sea-bed and the ocean floor (ENDC/PV.397, para. 38). It can be pointed out that the right of access to any installation on the sea-bed provided for in the Soviet draft also allows for the possibility of observing the activities of States on the high seas. At the present time there is an international legal basis for carrying out such observation -- the universally-recognized principle of the high seas. But will that be enough? We believe that the States parties to the treaty should be given more positive rights ensuring effective control over the fulfilment of obligations under the treaty banning the use of the sea-bed for military purposes. It is precisely this need that the form of control proposed by the Soviet Union has taken into account.

50. During the discussion of this question the United States delegation has expressed doubts about the feasibility of control in the event of the complete demilitarization of the sea-bed (ibid., paras. 35 et seq; ENDC/PV.411, paras 23 et seq.). We cannot agree with that view. As we have already pointed out, when there is complete demilitarization of the sea-bed there must be no military objects there, and the parties to the treaty would only have to be convinced that the existing objects were of a peaceful nature. In the case of a partial ban, however, a considerable number of military objects would be located on the sea-bed and in each specific case States would be faced with a very difficult problem, namely the need to decide whether a given object related to a type of activity permitted or prohibited by the treaty.

51. Furthermore, the practical exercise of control in the conditions of a partial ban on military activities on the sea-bed would be a much more difficult matter, since the verification of objects having a military nature but permitted under the treaty would arouse apprehensions on the part of the States that had placed such objects on the sea-bed in regard to the discovery of their military secrets by the verifying party.

(Mr. Roshchin, USSR)

52. In connexion with the argument advanced by the United States delegation concerning the difficulty of control in the conditions of complete demilitarization of the sea-bed, we should like to point out as some other delegations, including that of the United Arab Republic (ENDC/PV.421, para. 98), have done, that verification would in that case be necessary in fact only in respect of certain areas where the emplacement of weapons by a potential violator appeared to be technically feasible and strategically appropriate.

53. I should like now to turn to the question of the area to be covered by the treaty. As is well known, the draft treaty submitted by the Soviet Union proposes the banning of military activities on the sea-bed beyond a twelve-mile coastal zone (article 1). In proposing a twelve-mile zone the Soviet Union was guided, first, by considerations concerning the security of coastal States -- and this has been referred to by a number of representatives who have spoken here -- and, secondly, by the interests of ensuring the most favourable conditions for the functioning of the system of control.

54. The need to ensure the security of coastal States has been pointed out by many representatives who have spoken here, in particular by the representative of the United Arab Republic in his statement on 22 July when he said, in this connexion, that his delegation considered "the twelve-mile limit proposed for this zone in the Soviet draft to be a reasonable one" (ibid., para. 109).

55. Referring to the importance of ensuring the necessary conditions for the unhindered functioning of the system of control over the fulfilment of the treaty, I should like to note the following. In order to have access to the objects of control (and even in order to observe the various works that are being carried out on the sea-bed), it would be necessary for foreign ships, aircraft and so on to approach these objects. Since many States possess a twelve-mile zone of territorial waters, if a narrower coastal sea zone were established for the purposes of the treaty it would be necessary to obtain the permission of the coastal State for foreign ships to enter those waters or for foreign aircraft to fly over that zone for purposes of control. That could, of course, give rise to difficulties for the unhindered exercise of control over the fulfilment by all parties of their obligations under the treaty relating to prohibition of military activities on the sea-bed.

(Mr. Roshchin, USSR)

56. The proposal for a three-mile coastal zone put forward by the United States does not take due account of the security of many States and creates the preconditions for unnecessary complications in the organization and operation of the control system. Such complications in regard to control would arise for more than sixty States of the world whose territorial waters are wider than three miles.

57. The twelve-mile zone which we have proposed is thus the optimal solution of the problem from the point of view both of ensuring the security of coastal States and of obviating difficulties in the practical exercise of control. We therefore note with satisfaction that our proposal for a twelve-mile zone has been supported by a number of delegations that have spoken in the Committee.

58. The representative of Japan, Ambassador Asakai, speaking on 17 July, put forward the idea that the treaty banning military activities on the sea-bed "should cover the entire area of the sea-bed and the ocean floor under the high seas and the territorial sea". (ENDC/PV.420, para. 14). He asserted that acceptance of that idea

> "... would have the merit of simplicity. There would be no need to deal with the question of the width of the territorial sea or any other claims for national jurisdiction". (ibid., para. 15).

59. In dealing further with the idea which he had put forward, Mr. Asakai had, however, to retreat from his view as to the simplicity of the solution of this problem; and he said:

> "The inclusion of the territorial sea in the area to be covered by the treaty leads to the difficult question of verification in the territorial sea. We fully realize that extension of verification measures to the sea-bed under the territorial sea would involve manifold complicated problems". (ibid., para. 18).

With this conclusion of his we can certainly agree. Having pointed to the difficulties involved in the implementation of his proposal, the representative of Japan admitted that he could not suggest a solution to these problems. In our opinion the proposal of Japan to extend the treaty to the sea-bed under the territorial waters would greatly complicate the solution of the problem of prohibiting military activities on the sea-bed. In this connexion we fully agree

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with what he said, namely that in this particular case verification of the sea-bed under territorial waters would raise manifold complicated problems.

60. In concluding these brief remarks and considerations which we wished to put forward in connexion with the controversy which has developed of late in the Committee, we should like to express the hope that the delegations will manifest a constructive approach and good will in searching for mutually-acceptable solutions of the problem under consideration. This would allow the Committee already at its current session to reach agreement on a draft treaty prohibiting the use of the sea-bed and the ocean floor and the subsoil thereof for military purposes, and to submit the agreed draft together with the Committee's report to the twenty-fourth session of the General Assembly of the United Nations. The Soviet delegation, for its part, is prepared to do all it can for the solution of this problem.

61. Mr. FRAZÃO (Brazil): Today I intend to comment further on the question of a non-armament treaty covering the sea-bed, the ocean floor and the subsoil thereof. Since my last statement on this subject, on 21 May (ENDC/PV.413), an important new development has taken place, namely the submission to the Committee of the United States draft treaty (ENDC/249) prohibiting the emplacement of nuclear weapons and other weapons of mass destruction within that geographical environment.

62. To begin with, let me express my satisfaction at this very encouraging circumstance. The Committee has received by now from the co-Chairmen two complete proposals on a relatively new subject, two drafts that may map the way for the ultimate conclusion of a most important treaty on arms control. This proves, in my opinion, that there exists a serious intention to negotiate conclusively in this forum.

63. Since I have already had the opportunity (ENDC/PV.413, paras. 9 et seq.) to dwell on the Soviet draft treaty (ENDC/240), I will now address my remarks mainly to the United States text. In doing so I will also present the views of my Government on some other issues related to the curbing of the arms race on the sea-bed and ocean floor to which I did not specifically refer in my first statement.

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64. The very core of the United States draft treaty is obviously to be found in its title and its article I, which differ substantially from the corresponding provisions of the Soviet draft, already examined at length by many delegations, including my own. It is self-evident that this new project amounts to a drastic alternative to the Soviet draft. As a matter of fact the United States delegation, by reducing the scope of the prohibition -- and, by the same token, the scope of the treaty -- is proposing at one and the same time a considerable simplification of the whole issue. By phrasing the prohibition in such terms as "emplant or emplace fixed nuclear weapons or other weapons of mass destruction or associated fixed launching platforms...", the United States has correspondingly simplified many other controversial and outstanding issues such as the definition of the boundaries between what is prohibited and what is not, the question of verification and the settlement of disputes.

65. The idea comes to anyone's mind that in practice, if a treaty so worded as to its scope were to be adopted, its provisions would impose an immediate military limitation on two countries -- the Soviet Union and the United States -- and only eventually on other members of the "nuclear club". Those two countries are, to my knowledge, the only ones to have reached at present a stage of technological development that could lead to a rapid utilization of the sea-bed and ocean floor as a suitable environment for the installation of fixed launching platforms where nuclear weapons could be meaningfully deployed. Such a treaty would, for practical purposes, be a solemn commitment not to extend to the ocean floor the strategic arms race still engaging the Powers possessing the technical capability to invade this environment with weapons of mass destruction. In such a context it really becomes simpler to conceive the scenarios of the operation of the treaty.

66. However, let me not be misunderstood. I do not intend to minimize the significance of the United States draft treaty by inferring that it is basically directed to restraining the military activities of two countries only. Because these two countries are the super-Powers of today and because the survival of mankind very much depends upon the restraint they impose upon themselves in handling weapons of mass destruction, a treaty based on the United States proposal would be a relevant collateral measure. It would amount, in my view, to a limited but still

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considerable military containment; thus it would serve the interests of peace. It might be argued that such a treaty would not bring about a major curb to the arms race; however, its beneficial consequences cannot be overlooked or easily dismissed. Within this political and pragmatic approach I would admit that a treaty banning weapons of mass destruction from the sea-bed and ocean floor would certainly be a realistic and positive achievement that could pave the way for further and more comprehensive agreements on arms control and disarmament, including agreements on the sea-bed itself.

67. Since the whole attempt to arrive at meaningful arms control on the sea-bed and ocean floor is a pioneering one, a step-by-step approach could be considered an advisable course of action. We should like to place on record again that in principle we still favour a comprehensive ban, a general treaty that would preserve the sea-bed and ocean floor from any kind of military activity. But, as I mentioned in my first statement in this Committee (ENDC/PV.405, para. 8), we are trying here to achieve what is possible within a well-known political and military international context. Balancing the ideal of general scope with the existing technological means for emplacement of weapons and verification, in the broad framework of the strategic equilibrium, we cannot but agree that on practical grounds a first ban on weapons of mass destruction can be considered a very promising beginning. However, we are persuaded that a decision now on a limited ban should be complemented in the treaty by an undertaking to examine seriously the possibilities of broadening the scope of the prohibition. This commitment should be embodied in the same article as provides for the convening of a conference aimed at reviewing the operation of the treaty in the light of relevant technological developments.

68. I beg leave to remind the Committee at this point of one constructive suggestion advanced by Canada which I believe deserves careful consideration. At our meeting on 13 May the leader of the Canadian delegation, Ambassador Ignatieff, stated:

> "... a means of circumventing some of these difficulties is the concept of a defensive zone adjacent to the proposed twelve-mile security band extending perhaps 200 or more miles from the outer limits of that twelve-mile band. The same general prohibitions of the proposed treaty could apply within this 200-mile defensive zone, with one exception -- namely, that the coastal State, and only the coastal State, would be allowed to undertake in that zone whatever

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limited defensive activities were permitted under the treaty." (ENDC/PV.410, para. 9)

That provision could certainly enhance the chances for the future adoption of a broader ban on military installations on the ocean floor.

69. I have said that, in adopting the limited approach proposed by the delegation of the United States as far as the scope of the treaty is concerned, we should be confronted with a much simplified set of problems. But, simplified as they became, they would still comprehend a number of specific points where adequate provisions should be made duly to safeguard the interests of all the parties. Moreover, this treaty is to be of uulimited duration, and therefore it becomes necessary to anticipate some developments that could emerge in the future with a view to regulating as many situations as can possibly be envisaged.

70. The first of these issues is the width of the coastal zone which would not fall under the ban. By way of an initial comment I wish to refer to paragraph 3 of article II of the United States draft treaty, which contains a clear-cut provision on a very important subject. At our meeting on 22 April I stressed the need to disentangle —

"... the question of the limits of applicability of this prohibition ... from the more complex question of ascertaining the limits of national sovereignty or jurisdiction." (ENDC/PV.405, para. 27)

This point, which has met with general approval, is adequately contemplated in the United States proposal.

71. With regard to the width of the band, my Government is of the view that it ought to be fixed at twelve miles measured from baselines in the manner specified in the Convention on the Territorial Sea and the Contiguous Zone adopted in Geneva in 1958.2/ In taking this view we do not overlook the remarks on the status of the zone between a twelve-mile limit and the outer boundaries of territorial waters of less than twelve miles. In my opinion conflicts of interpretation could be avoided by adequate provisions on the subject. In other words, we believe that if it were clearly stated that a twelve-mile limit was to be the rule for this specific treaty, and for this specific treaty alone, no doubts of interpretation would remain, since the adjacent coastal State would be exempt from the ban applying to those twelve miles regardless of the width of its territorial waters.

2/ United Nations Treaty Series, vol. 516, pp. 205 et seq.

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72. I shall comment later in some detail on the questions deriving from the claims to national jurisdiction and on the rights of coastal States. For the moment, in connexion with the issue of the limits of applicability of the treaty, I wish only to submit that a twelve-mile limit is the alternative that will give rise to the least difficult situations and to the least controversial interpretations. Indeed, such a limit does not raise difficulties for a majority of countries, including even States which might favour a limit inferior to twelve miles; those States would merely dispose of a larger extension that would be exempt from the provisions of the treaty. On the other hand, a limit inferior to twelve miles could raise serious problems for many, chiefly in the field of the system of control.

73. We have noted the proposal made on behalf of the Japanese delegation by Ambassador Asakai at our meeting on 17 July that "the treaty should cover the entire area of the sea-bed and the ocean floor under the high seas and the territorial sea." (ENDC/PV.420, para. 14) There is logical foundation and constructive purpose in the idea that we should "for ourselves and for our descendants ... keep the last frontier on earth completely free from nuclear and other weapons of mass destruction." (ibid.) No doubt this procedure would correspond more closely to the ideal solution than would any other already presented. I think, however, that it would introduce new elements of complication as far as verification is concerned. Indeed that entirely comprehensive ban might not yet be feasible.

74. I shall refer now to the question of observation and verification, which means the control provisions of the treaty -- a paramount issue, since it concerns the adoption of adequate provisions which would duly safeguard the interests of all parties to the treaty and envisage a mechanism for the settlement of controversies.

75. A non-armament treaty for the sea-bed and ocean floor can only be implemented effectively if it generates the smallest possible amount of controversy and tension. Hence, even if the scope of this treaty is restricted to weapons of mass destruction, it is still very important to arrive at universally-satisfactory systems for the verification of compliance, and in particular for the control of installations that are emplaced in areas under the national jurisdiction of any State party. We are convinced that all precautions should be taken to prevent the right of verification being used for purposes having no connexion with the ascertainment of compliance with the provisions of the treaty. On the other hand, the control provisions ultimately arrived at should not interfere with, hinder or in any way disrupt the carrying out of peaceful research and exploration of marine resources.

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76. The proposals contained in article III, paragraphs 1 and 2 of the United States draft treaty could be considered satisfactory by the Brazilian Government so far as they establish a process of control in different stages: first, the simple observation and ensuing verification; second, a phase that may lead to direct and in loco inspection through consultation and co-operation. I should like to hear from the United States representative if this interpretation is correct. Assuming it is, I would consider it advisable that the text be redrafted in order to expressed those ideas in a more detailed manner.

77. It is, however, the considered view of the Brazilian Government that the process of control should be undertaken, in any of its stages, with the direct participation of the coastal State whenever the simple observation and consequent verification -- to utilize the terminology of the United States draft treaty -- is to take place in areas over which that coastal State exercises special national jurisdiction. That means that the coastal State would have the faculty to join in the observation and verification if it so desired. There should be no requirement of a previous authorization by the coastal State. It suffices that the State wishing to observe and verify in areas under the national jurisdiction of another State should inform that State of its intention with due advance notice, and that such information be acknowledged. That procedure is designed solely to enable the coastal State to use its right of co-participation.

78. We believe also that any party should be entitled to ask for the assistance of any other party when it wishes to exercise its right of observation or verification, and that the treaty should leave the door open for transferring the control eventually to an international organization. I want to be as clear as possible in regard to the right of assistance. We maintain that the right of assistance is not to be confounded in any way with a blank commitment or a duty to assist. It is quite understandable that no country would commit itself so widely, just as it is perfectly understandable that any party lacking the technical means should be allowed to seek assistance from friendly nations.

79. I feel that such provisions would constitute a reasonable manner in which to safeguard the interests of all parties. I believe also that these proposals are entirely in line with the purposes of the treaty we want to agree upon.

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80. There is, however, one remaining difficulty, and it stems from the great diversity of the claims to national jurisdiction. In order to obviate this potential stumbling-block, we propose that this right of co-participation should be exercised in any inspection that is to be carried out in a band of 200 miles, which would be measures from the outer limit of the narrow zone that is not the subject of any prohibition. This uniform criterion is aimed at setting precise and easily-identifiable limits both on the surface and under water, and at avoiding any ambiguity or controversies that should not be brought into a treaty which is solely designed to avoid armament measures on the sea-bed. The whole question of ascertaining limits of national jurisdiction would in that case be entirely superseded.

81. We should be prepared to submit a specific wording for this whole proposal in due time. In any case we should welcome the comments delegations might be willing to advance on these ideas.

82. As to the areas of the high seas which are not subject to national jurisdiction, we believe that the clear enunciation of the free observation and verification principle should be entirely satisfactory.

83. A question which we do not consider to be thoroughly dealt with in either of the draft treaties already submitted is the solution of possible controversies related to the fulfilment of the provisions of the treaty. It is possible that recourse to consultation and co-operation in endeavouring to settle the controversies that might arise would lead to adequate solutions of divergencies. But the Brazilian delegation believes that the treaty would have greater efficacy if it were possible to bring to the legal jurisdiction of an international authority any serious divergency stemming from the process of observation and thorough verification. We do not see any real incompatibility between this proposal and the one incorporated in the United States text. We would, however, prefer to have in the treaty itself an explicit mention of this recourse. Whenever bilateral negotiations do not suffice to eliminate disputes, the Security Council of the United Nations should be called upon to settle them. May I be permitted to recall my last statement? I said at our meeting of 21 May that such disputes --

> "... being a question that might have a direct bearing on the maintenance of international peace and security, it is only proper that the Security Council should settle any dispute arising from the conflicting opinions presented by two or more verifying States". (ENDC/PV.413, para. 25)

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84. It is conceivable also that some other solution could be devised for this purpose. For example, a process could be set up under which the Secretary-General of the United Nations would be duly authorized to investigate any dispute and to report to the Security Council on the results of his investigation.

85. The considerations I have submitted to this Committee have been advanced in an ample spirit of collaboration. The far-reaching goals pursued by the Committee and by the United Nations General Assembly in connexion with the peaceful uses of the sea-bed and the ocean floor have been fully and unreservedly supported by my Government. In the view of my delegation, the sea-bed and the ocean floor should be an area to be used exclusively for peaceful purposes in the interests of maintaining international peace and security and for the benefit of all mankind.

86. At this stage, however, and for the specific purpose of disarmament it appears that less ambitious goals should prevail if successful negotiations are to be achieved. Many delegations have already expressed their willingness to compromise. We have then, I earnestly believe, come to a point in our negotiations where, besides the question of the mileage, two outstanding issues still remain to be solved: the scope of the treaty and the system of verification and control -- which are obviously vital to a meaningful treaty of the kind we are now envisaging. And, if we succeed in reaching agreement on these items, we shall certainly improve our record as representatives of Governments entrusted with the solution of problems that have a direct bearing on peace and war. The alternative will be to come to the General Assembly with empty hands, or perhaps with a progress report which would be only a euphemism that would not conceal this new deadlock in our disarmament endeavours.

87. Mr. LEONARD (United States of America): I should like to refer to the remarks made this morning and previously by you, Mr. Chairman, and by the representatives of several Governments regarding the flight of Apollo 11. A few days ago I had the honour of expressing the appreciation of our delegation and of our Government and people for the kind words addressed to us just before the departure of the three brave astronauts on their flight and immediately following their actual landing on the moon. Now that they have safely returned, I should like once again to thank all those who have been so warm in their praise for the courage of the astronauts and in their good wishes for the success of the mission. We are, of course, conveying those kind sentiments to our Government, and we are most grateful for the good will manifested both at this table and in the corridors of this Conference.